

Attorney for Plaintiff

RICHARD A. CHRISTENSEN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RICHARD A. CHRISTENSEN

Plaintiff,

V.

CHECKR, INC.

Defendant.

Case No. 3:19-cv-3363

COMPLAINT FOR VIOLATION OF FAIR CREDIT REPORTING ACT

DEMAND FOR JURY TRIAL

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer against the Defendant for violations of the Fair Credit Reporting Act (hereafter the “FCRA”), 15 U.S.C. §1681 *et seq.*, *as amended*. Under the FCRA, “consumer reports” subject to the statute’s protections include not simply those used in establishing the

1 consumer's eligibility for credit, but also those used for "employment purposes." 15
2 U.S.C. § 1681a(d)(1)(B).
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4 2. The FCRA was enacted "to insure that consumer reporting agencies
5 exercise their grave responsibilities with fairness, impartiality, and a respect for the
6 consumer's right to privacy," 15 U.S.C. § 1681(a)(4), by operating "in a manner
7 which is fair and equitable to the consumer, with regard to the confidentiality,
8 accuracy, relevancy" of the consumer information they disseminate. 15 U.S.C. §
9 1681(b). Congress included in the statutory scheme a series of protections that
10 impose strict procedural rules on consumer reporting agencies such as Checkr, Inc
11 ("Checkr"). This action involves Defendant's systematic violation of several of
12 those important rules.
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17 **II. PARTIES**

18 3. Plaintiff, Richard A. Christensen, is an adult individual who resides in
19 the State of Wisconsin.
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21 4. Defendant Checkr, Inc. is a business entity that regularly conducts
22 business in the Northern District of California and has principal places of business
23 located at 2505 Mariposa Street, San Francisco, CA 94110.
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6. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).

IV. STATEMENT OF FACTS

8. The inaccurate information includes, but is not limited to, a criminal offense record including a felony and misdemeanors. This criminal record appears on the consumer report Defendant sold about Plaintiff as follows: “Maintaining a Common Nuisance”, “Domestic Battery”, and “Battery Resulting in Bodily Injury”.

9. The inaccurate information negatively reflects upon the Plaintiff and misidentifies Plaintiff as a person who has a criminal background. It appears that Defendant, as a result of its unreasonable faulty procedures, produced a consumer report that identified Plaintiff as having been charged with and convicted of multiple criminal offenses, when Plaintiff has no criminal history. Defendant mixed the

1 background information of Plaintiff and that of another consumer with respect to the
2 inaccurate information, criminal history and other personal identifying information.
3

4 10. Defendant has been reporting the inaccurate information through the
5 issuance of false and inaccurate background information and consumer reports that
6 they have disseminated to various persons and prospective employers, both known
7 and unknown.
8

9 11. Plaintiff has applied for and has been denied employment opportunities,
10 including but not limited to, employment opportunities through Uber Eats. Plaintiff
11 was informed that the basis for the adverse action against him was the inaccurate
12 information that appears on Plaintiff's consumer report with Defendant.
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14 12. Plaintiff's consumer reports and file have been obtained from
15 Defendant and have been reviewed by prospective employers, and the inaccurate
16 information has been a substantial factor in precluding Plaintiff from receiving
17 employment opportunities, known and unknown.
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19 13. As a result of Defendant's conduct, Plaintiff has suffered actual
20 damages in the form of lost employment opportunity, harm to reputation, and
21 emotional distress, including anxiety, frustration, humiliation and embarrassment.
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23 14. At all times pertinent hereto, Defendant was acting by and through its
24 agents, servants and/or employees who were acting within the course and scope of
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1 their agency or employment, and under the direct supervision and control of the
2 Defendant herein.

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4 15. At all times pertinent hereto, the conduct of the Defendant as well as
5 that of its agents, servants and/or employees, was intentional, willful, reckless,
6 negligent, and in grossly negligent disregard for federal and state laws and the rights
7 of the Plaintiff herein.
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10 **V. CAUSES OF ACTION**
COUNT ONE - FCRA

11 16. Plaintiff re-alleges and incorporates by reference all preceding
12 allegations. Checkr is a “consumer reporting agency,” as defined by FCRA, 15
13 U.S.C. § 1681a(f).
14

15 17. At all times pertinent hereto, the Plaintiff was a “consumer” as that
16 term is defined by 15 U.S.C. § 1681a(c).
17

18 18. At all times pertinent hereto, the above-mentioned background report
19 was a “consumer report” as that term is defined by 15 U.S.C. § 1681a(d).
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21 19. Checkr violated 15 U.S.C. §1681e(b) by failing to establish or to follow
22 reasonable procedures to assure maximum possible accuracy in the preparation of
23 Plaintiff’s background report and the files it published and maintained.

24 20. As a result of Checkr’s violations of 15 U.S.C. §1681e(b), Plaintiff
25 suffered actual damages including but not limited to: loss of employment income
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1 and benefits, damage to reputation, embarrassment, humiliation and other mental,
2 physical and emotional distress.

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4 21. The violations by Checkr were willful, rendering Defendant liable for
5 punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C.
6 §1681n. In the alternative, Checkr was negligent, which entitles Plaintiff to recovery
7 under 15 U.S.C. §1681o.
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9 22. Plaintiff is entitled to recover punitive damages, actual damages,
10 statutory damages, costs and attorney's fees from Checkr in an amount to be
11 determined by the Court pursuant to 15 U.S.C. §1681n and §1681o.
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14 **JURY TRIAL DEMAND**
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16 23. Plaintiff demands trial by jury on all issues so triable.

17 WHEREFORE, Plaintiff seeks judgment in Plaintiff's favor and damages
18 against Defendant Checkr, for the following requested relief:

- 19 A. Actual damages;
20 B. Statutory damages;
21 C. Punitive damages;
22 D. Costs and reasonable attorney's fees pursuant to 15 U.S.C. §§ 1681n
23 and 1681o; and
24
25 E. Such other and further relief as may be necessary, just and proper.
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Respectfully submitted,

By: /s/Stephanie R. Tatar

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